

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION

TRI STATE ADVANCED SURGERY  
CENTER, LLC, GLENN A. CROSBY II, M.D.,  
F.A.C.S., and MICHAEL HOOD, M.D.

PLAINTIFFS

v.

Case No. 3:14-CV-00143-JM

HEALTH CHOICE, LLC,  
and CIGNA HEALTHCARE OF TENNESSEE, INC.

DEFENDANTS

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CONNECTICUT GENERAL LIFE INSURANCE  
COMPANY, CIGNA HEALTH AND LIFE  
INSURANCE COMPANY, and CIGNA  
HEALTHCARE OF TENNESSEE, INC.

COUNTERCLAIM-PLAINTIFFS

v.

SURGICAL CENTER DEVELOPMENT, INC. D/B/A  
SURGCENTER DEVELOPMENT, and TRI STATE  
ADVANCED SURGERY CENTER, LLC

COUNTERCLAIM-DEFENDANTS

**AGREED MOTION FOR EXTENSION OF TIME**

Cigna Healthcare of Tennessee, Inc., Connecticut General Life Insurance Company, and Cigna Health and Life Insurance Company (collectively “Cigna”)—with the agreement of Tri State Advanced Surgery Center (“Tri State”) and Surgical Center Development, Inc. (“SurgCenter”)—states:

1. On August 29, 2014, Cigna filed a motion to dismiss Counts I and III of the Complaint (ECF 45), and also filed counterclaims against Tri State and SurgCenter (ECF 49).

2. On September 5, 2014, Plaintiffs/Counterclaim-Defendants filed an unopposed motion to extend their deadline to respond to Cigna’s counterclaims and Cigna’s motion to dismiss until October 10, 2014, in part so that “all briefing on dispositive motions . . . occur on the same schedule” and to “avoid duplication of arguments to the greatest extent possible.”

(ECF 53 at ¶ 5.) At that time, the parties also agreed that Cigna's reply in support of its motion to dismiss would be due by October 30, 2014. (*Id.*) The Court granted this motion on September 8, 2014. (ECF 55.)

3. On October 10, 2014, Tri State filed its response to Cigna's motion to dismiss (ECF 60), and Tri State and SurgCenter also moved to dismiss the counterclaims filed by Cigna (ECF 61).

4. Cigna's response to Tri State's and SurgCenter's motion to dismiss is currently due on or before October 27, 2014 (*see* L.R. 7.2(b)), while Cigna's reply in support of its motion to dismiss is currently due on or before October 30, 2014 (*see* ECF 55).

5. Consistent with the parties' prior agreement that all briefing on dispositive motions should occur on the same schedule, Cigna requests a three-day extension of its deadline to respond to Tri State's and SurgCenter's motion to dismiss Cigna's counterclaims, from October 27, 2014 to October 30, 2014.

6. Counsel for Tri State and SurgCenter have been consulted and authorized the undersigned to represent that they do not oppose the requested extension of time provided that they would have until November 14, 2014 to file their reply in support of their motion to dismiss Cigna's counterclaims.

WHEREFORE, Cigna respectfully requests that the Court extend its time to respond to Tri State's and SurgCenter's motion to dismiss Cigna's counterclaims from October 27, 2014 to October 30, 2014; and extend the time for Tri State and SurgCenter to file a reply in support of their motion to dismiss Cigna's counterclaims until November 14, 2014.

Dated: October 17, 2014

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and Counterclaim-Plaintiffs Connecticut General Life Insurance  
Company and Cigna Health and Life Insurance Company*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 17, 2014, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Eastern District of Arkansas, using the electronic case filing system of the court, which will send notification of such filing to attorneys of record who are known as "Filing Users."

*/s/ Chad W. Pekron*

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Chad W. Pekron